

Appl.No. 10/023,473
Amdt.dated July 29, 2005
Reply to Office action of July 13, 2004

REMARKS/ARGUMENTS

Applicant has amended the claims to further define its invention and overcome the Examiner's objections.

The examiner contends that the present invention is unpatentable in light of the prior art. Claims 1-4, 6-9, 12, 13, 15, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Pavlic (US 2,998,474). Claims 1-4, 6-9, 12,13, 15-17, 19, 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Duff (US 2,890,264). Claims 1-4, 6-9, 12, 13, 15-17, 19, and 21-24 are rejected under 25 U.S.C. 102(b) as being anticipated by Fujimoto. Claims 5, 10, 11, 14, 18, 20, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto, Pavlic, or Duff.

The examiner has rejected the claims of the present invention as being anticipated by Pavlic. The applicant asserts that the present invention is patentable over the patent taught by Pavlic. The prior art taught by Pavlic fails to teach that the hose disclosed is as extensible as the current invention. The applicant's invention is extendible 2 to 6 times it's length support for this assertion can be found in the specification on Page 6 Line 13. The prior art by Pavlic does not disclose how extensible it is, but the applicant asserts that the prior art by Pavlic does not have the ability to extend 2 to 6 times its own length and then return to its original shape. The present invention has a distance of between peaks of 1/4" to 3/4" when there is no pulling force on a section of said hose that distance from one peak to an adjacent peak increases to about 1/2" to 2" when a pulling force is applied to a section of hose. Pavlic

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does not suggest an extendible flexible hose. Further Pavlic does not have a conductive wire disposed in the thermoplastic layer. Pavlic has a conductive wire which is disposed in the insulating sheath around the helical member, the conductive wire is not disposed within the thermoplastic layer. In the present invention the conductive wire is disposed within the thermoplastic layer, separate from the helical member. Thus the present invention is not anticipated or suggested by Pavlic because Pavlic fails to disclose a flexible hose which is as stretchable as the present invention and because Pavlic fails to disclose a conductor wire which is disposed within the thermoplastic layer.

The examiner has rejected the claims of the present invention as being anticipated by Duff. The applicant asserts that the present invention is patentable over the patent taught by Duff. The patent taught by Duff fails to contemplate a flexible hose with an extended position and a retracted position which the hose will return to after being extended. The present invention is a stretchable hose which changes length when a tensile force is applied to it. The present invention has an extended position when a tensile force of a pulling nature is applied to the hose and a retracted position when there is no force applied to the hose, in the extended position the hose has an increased length. The patent taught by Duff describes a flexible hose which has a helical spiral that allows flexibility so that the hose may flex i.e. bend and not substantially change diameter but the helical spiral does not substantially extend nor does it retract after being extended. No where in the patent taught by Duff is there mention that the flexible hose substantially changes length through extension or contraction. Further Duff does not have

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a conductive wire disposed in a single thermoplastic layer. Duff has either one electrically conductive helical member with insulation around it disposed within the thermoplastic layer with no second conductive member or a pair of electrically conductive helical members which are disposed with insulation around them on the inner surface of the thermoplastic layer; in neither case is there a conductive wire disposed within the thermoplastic layer. In the present invention the conductive wire is disposed within the thermoplastic layer, separate from the helical member. Duff does not teach placing a conductor wire in the thermoplastic layer. Thus the present invention is not anticipated or suggested by Duff because Duff fails disclose a flexible hose which is stretchable as well as flexible and because Duff fails to teach placing a conductive wire within the thermoplastic layer.

The examiner contends that aspects of present invention unpatentable as being anticipated by Fujimoto. The applicant asserts that the present invention is patentable over the patent taught by Fujimoto. Fujimoto as described in column 2, line 48 thru 51:

“A bellows flexible hose is composed of a hose wall 1 comprising an inner wall 2 and an outer wall 3, and a spiral reinforcement 4 interposed between the inner wall 2 and the outer wall 3.”

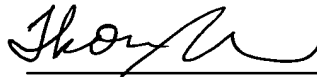
The present invention claims a hose with a thermoplastic cover in the form of a single wall, it does not include an inner wall and an outer wall with the wire encapsulated between the two. The applicant's hose is a single wall construction and therefore the present invention is patentable and not anticipated or suggested by the prior art. Therefore the present invention is patentable over the prior art.

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CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.


Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450 on this 15th day of August, 2005.


Thomas A. O'Rourke